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17 UNITED STATES DISTRICT COURT  
18 SOUTHERN DISTRICT OF CALIFORNIA  
19

20 BARBARA HUBBARD,

Case No. 08 cv 0336 JAH (POR)

21 Plaintiff,

22 v.

**AMENDMENT TO JOINT  
MOTION FOR DISMISSAL**

23 S&C RAMIREZ ENTERPRISES,  
24 INC.dba McONALD'S;  
McDONALD'S CORP.,

25 Defendants.  
26 \_\_\_\_\_/

1 IT IS HEREBY JOINTLY REQUESTED, pursuant to settlement and release  
2 agreements between Plaintiff, BARBARA J HUBBARD, and Defendant, BOTO  
3 ENTERPRISES INC., erroneously sued as S & C RAMIREZ ENTERPRISES, INC.  
4 dba McDONALD'S, and McDONALD'S CORP. that this Court enter a dismissal  
5 with prejudice of Plaintiff's complaint in the above-entitled action pursuant to Fed.  
6 R. Civ. P. 41 **as to Defendant BOTO ENTERPRISES INC., erroneously sued as**  
7 **S & C RAMIREZ ENTERPRISES, INC. dba McDONALD'S and McDONALD'S**  
8 **CORP.**

9 Nothing in this Joint Motion shall be construed to affect Plaintiffs' complaint  
10 and claims in the above referenced case against Defendant other than **Defendant**  
11 **BOTO ENTERPRISES INC., erroneously sued as S & C RAMIREZ**  
12 **ENTERPRISES, INC. dba McDONALD'S and McDONALD'S CORP.**

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14  
15 Dated: June 17, 2008 DISABLED ADVOCACY GROUP, APLC

16 /s/ Lynn Hubbard III  
17 LYNN HUBBARD, III  
18 Attorney for Plaintiff  
19 Barbara Hubbard

20 Dated: June 17, 2008 LEWIS BRISBOIS BISGAARD & SMITH, LLP

21 /s/ Ernest Slome  
22 ERNEST SLOME  
23 Attorney for Defendant  
24 S & C Ramirez Enterprises, Inc.

25 Dated: June 17, 2008 MORRISON & FOERSTER LLP.

26 /s/ Rick Bergstrom  
27 RICK BREGSTROM  
28 Attorney for Defendant  
McDonald's Corp.

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF BUTTE

I, Jacqueline Martin, am employed in the aforesaid County; I am over the age of 18 years and not a party to the within action; my business address is 12 Williamsburg Lane, Chico, Butte County, California 95926.

On June 17, 2008, I caused the document(s) described as: **JOINT MOTION FOR DISMISSAL** to be served on the interested parties in this action as follows:

On all parties identified for Notice of Electronic Filing generated by the Court's CM/ECF system under the above referenced case caption and number on this date, in the following manner:

The following is a procedure in which service of this document was effected:

- (xx) ELECTRONIC SERVICE - by causing the document to be served via the Court's ECF Filing System.
- ( ) OVERNIGHT DELIVERY - by causing said envelope(s) to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s).
- ( ) FAX - by transmitting pursuant to Rules 2001 et seq., the above-described document(s) by facsimile machine (which complied with Rule 2003(3)). The transmission originated from facsimile phone number (530) 894-8244, and was reported complete without error. The facsimile machine properly issued a transmission report.
- ( ) PERSONAL SERVICE - by causing to be delivered such document by hand to the offices of the addressee(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: June 17, 2008

/s/ Jacqueline Martin  
Jacqueline Martin